IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.4434 OF 1988

District Manager, Food Corporation of India ... .. Petitioner

Vs

1. Navanath Mathadi Kamgar Mazdoor Sanstha Ltd and ors. .. Respondents

Mr A.D.Kango, for the petitioner.

Mr Prafulla Patankar, for respondent no.1.

Mr P.N.Joshi, for respondent no.2A to 2F.

CORAM : D.B.BHOSALE,J.

DATE : 14th September, 2004.

PC:

1. This petition is directed against the orders dated 5.2.1987 31.12.1987 and 11.7.1988 passed by the learned Civil Judge, Jr.Dn., Manmad. The impugned orders were passed in the application filed by original respondent no.2 under Order 21, Rule 46 of the Code of Civil Procedure. By these orders, the petitioner-Food Corporation of India, was directed to deposit the decreetal amount in the Court to satisfy the decree against respondent no.1-Judgment debtor. Mr Kango, learned counsel for the petitioner, on instructions, states that the total amount of the Judgment debtor

lying with the petitioner towards as security deposit was Rs.15,980/- out of which they have already deposited Rs.11,385/- in the trial Court and the petitioner is prepared to deposit balance of Rs.4,605/- in the trial Court within four weeks from toady. His statement is accepted. In view of his statement, Mr Joshi, learned counsel for respondent no.2A to 2F-Decree Holder, states that they shall withdraw the execution proceedings against the petitioner on the petitioner depositing the aforestated amount. His statement is also accepted. It is open for respondent nos 2A to 2F to file appropriate application for withdrawal of the said amount. If such application is filed, the trial Court shall pass appropriate orders therein expeditiously.

2. The petition is accordingly disposed of. Rule stands discharged.

(D.B.BHOSALE, J.)